

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

CHAINUS NABUS

Applicant for Registered Nurse License

Respondent

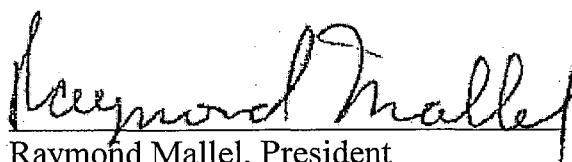
Case No. 2013 -54

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **December 6, 2012.**

IT IS SO ORDERED **November 6, 2012.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 State Bar No. 101336
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Attorneys for Complainant

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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues
13 Against:

Case No. 2013-54

14 **CHAINUS NABUS**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL**

15 **Registered Nurse License Applicant**

16 Respondent.

[Bus. & Prof. Code § 495]

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19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the
23 Board of Registered Nursing. She brought this action solely in her official capacity and is
24 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
25 Amanda Dodds, Senior Legal Analyst.

26 2. Chainus Nabus (Respondent) is representing herself in this proceeding and has
27 chosen not to exercise her right to be represented by counsel.

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1 Registered Nursing may communicate directly with the Board regarding this stipulation and
2 settlement, without notice to or participation by Respondent. By signing the stipulation,
3 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
4 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
5 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order for
6 Public Repeval shall be of no force or effect, except for this paragraph, it shall be inadmissible in
7 any legal action between the parties, and the Board shall not be disqualified from further action
8 by having considered this matter.

9 10. The parties understand and agree that facsimile copies of this Stipulated Settlement
10 and Disciplinary Order for Public Repeval, including facsimile signatures thereto, shall have the
11 same force and effect as the originals.


12 11. This Stipulated Settlement and Disciplinary Order for Public Repeval is intended by
13 the parties to be an integrated writing representing the complete, final, and exclusive embodiment
14 of their agreement. It supersedes any and all prior or contemporaneous agreements,
15 understandings, discussions, negotiations, and commitments (written or oral). This Stipulated
16 Settlement and Disciplinary Order for Public Repeval may not be altered, amended, modified,
17 supplemented, or otherwise changed except by a writing executed by an authorized representative
18 of each of the parties.

19 12. In consideration of the foregoing admissions and stipulations, the parties agree that
20 the Board may, without further notice or formal proceeding, issue and enter the following
21 Disciplinary Order:

22 **DISCIPLINARY ORDER**

23 IT IS HEREBY ORDERED that the application of Respondent Chainus Nabus is hereby
24 granted. Upon successful completion of the licensure examination and all other licensing
25 requirements, a license shall be issued to Respondent. Immediately thereafter, the Registered
26 Nurse License issued to Respondent shall, by way of letter from the Board's Executive Officer,
27 be publicly reprovod. The letter shall be in the same form as the letter attached as Exhibit B to
28 this stipulation.

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DATED: 07/31/2012 
CHAINUS NABUS
Respondent

The foregoing Stipulated Settlement and Disciplinary Order for Public Reprimand is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: 8/9/12

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General



AMANDA DODDS
Senior Legal Analyst
Attorneys for Complainant

Exhibit A

Statement of Issues No. 2013-54

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 State Bar No. 101336
AMANDA DODDS
4 Senior Legal Analyst
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BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Statement of Issues
12 Against:

Case No. **2013-54**

13 **CHAINUS NABUS**

STATEMENT OF ISSUES

14 **Registered Nurse License Applicant**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in
20 her official capacity as the Interim Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.

22 2. On or about February 17, 2011, the Board of Registered Nursing, Department of
23 Consumer Affairs received an application for a Registered Nurse License from Chainus Nabus
24 (Respondent). On or about February 1, 2011, Chainus Nabus certified under penalty of perjury to
25 the truthfulness of all statements, answers, and representations in the application. The Board
26 denied the application on March 19, 2012.

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JURISDICTION

3. This Statement of Issues is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2736 of the Code provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

STATUTORY PROVISIONS

5. Section 475 of the Code states:

(a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

(1) Knowingly making a false statement of material fact, or knowingly omitting to state a material fact, in an application for a license.

(2) Conviction of a crime.

(3) Commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another.

(4) Commission of any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(b) Notwithstanding any other provisions of this code, the provisions of this division shall govern the suspension and revocation of licenses on grounds specified in paragraphs (1) and (2) of subdivision (a).

(c) A license shall not be denied, suspended, or revoked on the grounds of a lack of good moral character or any similar ground relating to an applicant's character, reputation, personality, or habits.

6. Section 480 of the Code states:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

1 (3)(A) Done any act that if done by a licentiate of the business or profession in
2 question, would be grounds for suspension or revocation of license.

3 (B) The board may deny a license pursuant to this subdivision only if the crime
4 or act is substantially related to the qualifications, functions, or duties of the business
5 or profession for which application is made.

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7 7. Section 493 of the Code states:

8 Notwithstanding any other provision of law, in a proceeding conducted by a
9 board within the department pursuant to law to deny an application for a license or to
10 suspend or revoke a license or otherwise take disciplinary action against a person who
11 holds a license, upon the ground that the applicant or the licensee has been convicted
12 of a crime substantially related to the qualifications, functions, and duties of the
13 licensee in question, the record of conviction of the crime shall be conclusive
14 evidence of the fact that the conviction occurred, but only of that fact, and the board
15 may inquire into the circumstances surrounding the commission of the crime in order
16 to fix the degree of discipline or to determine if the conviction is substantially related
17 to the qualifications, functions, and duties of the licensee in question.

18 As used in this section, "license" includes "certificate," "permit," "authority,"
19 and "registration."

20 8. Section 2761 of the Code states:

21 The board may take disciplinary action against a certified or licensed nurse or
22 deny an application for a certificate or license for any of the following:

23 (a) Unprofessional conduct, which includes, but is not limited to, the
24 following:

25

26 (f) Conviction of a felony or of any offense substantially related to the
27 qualifications, functions, and duties of a registered nurse, in which event the record of
28 the conviction shall be conclusive evidence thereof.

.....

9. Section 2762 of the Code states:

In addition to other acts constituting unprofessional conduct within the meaning
of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person
licensed under this chapter to do any of the following:

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(b) Use any controlled substance as defined in Division 10 (commencing with
Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous
device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner
dangerous or injurious to himself or herself, any other person, or the public or to the

1 extent that such use impairs his or her ability to conduct with safety to the public the
2 practice authorized by his or her license.

3 (c) Be convicted of a criminal offense involving the prescription, consumption,
4 or self-administration of any of the substances described in subdivisions (a) and (b) of
5 this section, or the possession of, or falsification of a record pertaining to, the
6 substances described in subdivision (a) of this section, in which event the record of
7 the conviction is conclusive evidence thereof.

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15 10. Section 2765 of the Code states:

16 A plea or verdict of guilty or a conviction following a plea of nolo contendere
17 made to a charge substantially related to the qualifications, functions and duties of a
18 registered nurse is deemed to be a conviction within the meaning of this article. The
19 board may order the license or certificate suspended or revoked, or may decline to
20 issue a license or certificate, when the time for appeal has elapsed, or the judgment of
21 conviction has been affirmed on appeal or when an order granting probation is made
22 suspending the imposition of sentence, irrespective of a subsequent order under the
23 provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his
24 or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of
25 guilty, or dismissing the accusation, information or indictment.

26 REGULATORY PROVISIONS

27 11. California Code of Regulations, title 16, section 1444, states:

28 A conviction or act shall be considered to be substantially related to the
qualifications, functions or duties of a registered nurse if to a substantial degree it
evidences the present or potential unfitness of a registered nurse to practice in a
manner consistent with the public health, safety, or welfare. Such convictions or acts
shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations
listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section
290 of the Penal Code.

12. California Code of Regulations, title 16, section 1445 states:

(a) When considering the denial of a license under Section 480 of the code,
the board, in evaluating the rehabilitation of the applicant and his/her present
eligibility for a license will consider the following criteria:

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1 (1) The nature and severity of the act(s) or crime(s) under consideration as
2 grounds for denial.

3 (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s)
4 under consideration as grounds for denial which also could be considered as grounds
5 for denial under Section 480 of the code.

6 (3) The time that has elapsed since commission of the act(s) or crime(s)
7 referred to in subdivision (1) or (2).

8 (4) The extent to which the applicant has complied with any terms of parole,
9 probation, restitution, or any other sanctions lawfully imposed against the applicant.

10 (5) Evidence, if any, of rehabilitation submitted by the applicant.

11

12 **FIRST CAUSE FOR DENIAL OF APPLICATION**

13 **(November 19, 2009 Criminal Conviction for DUI on June 21, 2009)**

14 13. Respondent's application is subject to denial under sections 480, subdivisions
15 (a)(1) and (a)(3)(A), and 2761, subdivision (f) of the Code in that she was convicted of a crime
16 substantially related to the qualifications, duties, and functions of a registered nurse. The
17 circumstances are as follows:

18 a. On or about November 19, 2009, in a criminal proceeding entitled *People*
19 *of the State of California v. Chainus Nabus*, in San Diego County Superior Court, case number
20 M085672, Respondent was convicted on her plea of guilty to violating Vehicle Code section
21 23152, subdivision (a), driving under the influence of alcohol. Pursuant to the plea agreement,
22 the court dismissed two counts of hit and run with property damage (Veh. Code, § 20002(a)), and
23 driving with a blood alcohol concentration (BAC) of .08 percent or more (Veh. Code,
24 § 23152(b)). The court certified Respondent's BAC as .16 percent.

25 b. As a result of the conviction, on or about November 19, 2009, Respondent
26 was granted five years summary probation. Respondent was further ordered to complete a three-
27 month First Conviction Program and a MADD Victim Impact Panel, complete five days of Public
28 Work Service, with credit for one day, pay \$1,952 in fees, fines and restitution, and comply with
standard DUI probation conditions.

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1 c. The facts that led to the conviction are that at approximately 3:30 in the
2 morning, on or about June 21, 2009, a patrol officer with the San Diego Police Department was
3 dispatched to investigate a hit and run. Upon arrival, the officer met with the hit and run victim
4 and inspected the victim's vehicle. As the officer followed a trail of fluid down the street, he was
5 flagged down by a second hit and run victim. The second victim pointed out Respondent's
6 vehicle down the street. Respondent's vehicle had heavy front-end damage and the driver's side
7 airbag was deployed. Respondent approached the officer and admitted she was the driver of the
8 vehicle. The officer observed an odor of an alcoholic beverage coming from Respondent, her
9 eyes were bloodshot and watery, her speech was slurred, and she walked with an unsteady gait.
10 Respondent submitted to a series of field sobriety tests, none of which she was able to complete
11 as explained and demonstrated by the officer. Based on her driving, her performance on the field
12 sobriety tests, her objective symptoms on intoxication, and her admission to consuming alcohol,
13 Respondent was arrested for driving under the influence. During booking, Respondent provided a
14 urine sample that was analyzed with a BAC of .16 percent at 5:00 a.m.

15 **SECOND CAUSE FOR DENIAL OF APPLICATION**

16 **(Dangerous Use of Alcohol)**

17 14. Respondent's application is subject to denial under sections 480, subdivision (a)(3)(A)
18 of the Code in that on or about June 21, 2009, Respondent used alcoholic beverages to an extent
19 or in a manner that was dangerous and injurious to herself and the public when she operated a
20 motor vehicle while significantly impaired by alcohol, with a BAC twice the legal limit, and left
21 the scene of two collisions, as described in paragraph 13, above. Such conduct would be a
22 ground for discipline under section 2762, subdivision (b) of the Code for a licensed registered
23 nurse.

24 **THIRD CAUSE FOR DENIAL OF APPLICATION**

25 **(Conviction of an Alcohol-Related Offense)**

26 15. Respondent's application is subject to denial under sections 480, subdivision (a)(3)(A)
27 of the Code in that on or about November 19, 2009, Respondent was convicted of a criminal
28 offense involving the consumption of alcohol as described in paragraph 13, above. Such conduct

1 would be a ground for discipline under section 2762, subdivision (c) of the Code for a licensed
2 registered nurse.

3 **PRAYER**

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Registered Nursing issue a decision:

- 6 1. Denying the application of Chainus Nabus for a Registered Nurse License;
7 2. Taking such other and further action as deemed necessary and proper.

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10 DATED: July 17, 2012

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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14 SD2012703632

Exhibit B

Letter of Public Reproval in Case No. 2013-54



STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.

Board of Registered Nursing
P O Box 944210, Sacramento, CA 94244-2100
P (916) 322-3350 | www.m.ca.gov
Louise R. Bailey, M.ED., RN, Executive Officer



November 6, 2012

Chainus Nabus
7159 Terra Cotta Road
San Diego, CA 92114

RE: LETTER OF PUBLIC REPROVAL
In the Matter of the Statement of Issues Against: Chainus Nabus

Dear Ms. Nabus:

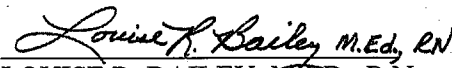
On July 17, 2012, the Board of Registered Nursing, Department of Consumer Affairs, State of California, filed a Statement of Issues regarding your application for a Registered Nurse license. The Statement of Issues alleged that on November 19, 2009, you were convicted on your plea of guilty of violating Vehicle Code section 23152, subdivision (a), driving under the influence of alcohol. As a result of the conviction, you were granted five years summary probation. The court ordered you to complete a three-month First Conviction Program, a MADD Victim Impact Panel, and five days of Public Work Service. You were also required to pay \$1,952 in fees, fines and restitution, and comply with standard DUI probation conditions.

Your conduct subjected your license application to denial under the Business and Professions Code sections 480, subdivisions (a) and (a)(3)(A).

Taking into consideration your rehabilitation efforts, and that there are other mitigating circumstances in this case that support the determination that you are safe to practice as a Registered Nurse, the Board has decided that the charges warrant a public reproval.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Registered Nursing, Department of Consumer Affairs issues this letter of public reproval.

Sincerely,


LOUISE R. BAILEY, M.ED., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California